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10 Attorneys for Defendants
UNITED AIR LINES, INC. and
11 UAL CORP.

12 Additional Counsel Appear on Signature Page

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 ERIN L. DAVIS, individually and
on behalf of all others similarly situated,

17
18 Plaintiff,

19 v.

20 BRITISH AIRWAYS PLC, VIRGIN
ATLANTIC AIRWAYS, LTD., AMR
CORP., AMERICAN AIRLINES, INC.,
21 UAL CORP., and UNITED AIR LINES,
INC.,
22

23 Defendants.

CASE NO. CV 06-04681-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND TIME TO
RESPOND TO COMPLAINT**

24 Pursuant to Local Rule 6-1, Plaintiff Erin L. Davis and Defendants British
25 Airways Plc, Virgin Atlantic Airways Ltd., AMR Corp., American Airlines, Inc.,
26 UAL Corp., and United Air Lines, Inc. respectfully request that this Court enter an
27 order extending the time in which Defendants must answer or otherwise respond to
28

1 this matter until the later of (1) the date when the Defendant would otherwise be
2 required to file a response pursuant to Federal Rule of Civil Procedure 12, or (2) 45
3 days after the JPML rules on a motion pending in *In re International Air*
4 *Transportation Surcharge Antitrust Litigation* (MDL No. 1793) and a consolidated
5 complaint is filed by all Plaintiffs in the single transferee Court and served on the
6 Defendant. Plaintiff Erin L. Davis has consented to the requested extension. In
7 support of this stipulation, the parties state:

8 1. The Complaint in this matter was filed on August 1, 2006. It seeks
9 relief under the Sherman Act and the Clayton Act against six defendants on behalf of
10 a putative class.

11 2. Nearly 81 similar actions have been filed in various jurisdictions around
12 the country.

13 3. There is a motion pending before the Judicial Panel on Multidistrict
14 Litigation ("JPML") to consolidate and transfer actions like this one to a single
15 venue. The JPML is considering this motion to consolidate in a matter captioned *In*
16 *re Passenger Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793.

17 4. The parties have agreed that this stipulation does not constitute a waiver
18 of any defenses, including but not limited to, the defenses of lack of personal
19 jurisdiction, lack of subject matter jurisdiction, or improper venue. The Defendants
20 expressly reserve their right to raise all defenses in response to either the current
21 complaint or any consolidated amended complaint that may subsequently be filed
22 relating to this action.

23 THEREFORE, the parties request that this Court order that the time in which
24 Defendants must answer or otherwise respond to this matter is the later of (1) the
25 date when the Defendant would otherwise be required to file a response pursuant to
26 Federal Rule of Civil Procedure 12, or (2) 45 days after the JPML rules on a motion
27 pending in *In re Passenger Air Transportation Surcharge Antitrust Litigation* (MDL
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No. 1793), and a consolidated complaint is filed by Plaintiffs in the single transferee Court and served on the Defendant.

Respectfully submitted,

Dated: August 4, 2006

THE FURTH FIRM, LLP

/s/

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Dated: August 4, 2006

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*Attorneys for Defendants United Air Lines,
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Dated: August 4, 2006

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/s/

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Attorneys for Defendant British Airways Plc

Dated: August 4, 2006

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/s/

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*Attorneys for Defendant Virgin Atlantic
Airways Limited*

1 Dated: August 4, 2006

WEIL, GOTSHAL & MANGES LLP

2
3 /s/

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11 *Attorneys for Defendants AMR Corporation*
12 *and American Airlines, Inc.*

13
14 PURSUANT TO STIPULATION,
15 IT IS SO ORDERED:

16 Dated: August 7, 2006

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18 
19 Honorable Jeffrey S. White
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1 Gayle E. Rosenstein
2 WEIL, GOTSHAL & MANGES LLP
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4 201 Redwood Shores Parkway
5 Redwood Shores, California 94065

6 I declare under penalty of perjury under the laws of the United States of
7 America that the above is true and correct.

8 Executed on August 4, 2006, at Palo Alto, California.

9 /s/
10 Jessica F. Davis
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